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Attorneys for Defendant
 GOOGLE INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.,

 Plaintiff,

 v.

 GOOGLE INC.,

 Defendant.

Case No. 3:10-cv-03561-WHA

**DECLARATION OF ROBERT A. VAN
 NEST IN SUPPORT OF MOTION FOR
 PARTIAL SUMMARY JUDGMENT
 THAT GOOGLE IS NOT LIABLE FOR
 DAMAGES FOR ALLEGED PATENT
 INFRINGEMENT THAT OCCURRED
 BEFORE JULY 20, 2010**

Hearing Date: TBD
 Time of Hearing: TBD
 Judge: Hon. William Alsup

 Date Comp. Filed: October 27, 2010
 Trial Date: TBD

1 I, ROBERT A. VAN NEST, declare as follows:

2 1. I am an attorney licensed to practice in the State of California, admitted to
3 practice before this Court, and a partner with the law firm of Keker & Van Nest LLP, counsel for
4 defendant Google Inc. ("Google") in this case. I make this declaration based on my own
5 personal knowledge. If called as a witness, I could and would testify competently to the matters
6 set forth herein. I submit this declaration in support of the Motion for Partial Summary
7 Judgment that Google is not Liable for Damages for Alleged Patent Infringement that Occurred
8 Before July 20, 2010.

9 2. Attached hereto as **Exhibit A** is a true and correct copy of Oracle's Case
10 Management Statement Selecting Claims for Trial, Document 471, filed September 29, 2011.

11 3. Attached hereto as **Exhibit B** is a true and correct copy of an excerpt from
12 Oracle's Second Supplemental Patent Local Rule 3-1 Disclosure.

13 4. Attached hereto as **Exhibit C** is a true and correct copy of Oracle's Response to
14 Google's Request for Production No. 4.

15 5. Attached hereto as **Exhibit D** is a true and correct copy of the Declaration of
16 Benjamin Lee Concerning the August 6, 2010 Email and Drafts Thereof, Document 315, filed
17 August 17, 2011.

18 6. Attached hereto as **Exhibit E** is a true and correct copy of an excerpt from
19 Oracle's Trial Brief, Document 536, filed October 14, 2011.

20 I declare under penalty of perjury that all the foregoing facts are true and correct. This
21 declaration was executed on October 21, 2011, at San Francisco, California.

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23 s/Robert A. Van Nest
24 Robert A. Van Nest
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